

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

July 24, 2013

Chairman Michele Camerota called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Carol Anest
Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner Stanley Sobieski
Commissioner Frank Aieta-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Commissioner Audra Ekstrom-A

Staff Present

Craig Minor, Town Planner

Commissioner Leggo was seated for former Chairman Pruett and Commissioner Aieta was seated for Commissioner Lenares.

II. APPROVAL OF AGENDA

Chairman Camerota: Are there changes to the agenda?

Craig Minor: Yes Madam Chairman, I recommend that you delete items A, B, and C, the three public hearing items, and I recommend that you add, I have a bond reduction. Do you want to do that under New Business or do you want to do it under Town Planner's report. I will be asking for a vote, so.....

Chairman Camerota: New Business.

Craig Minor: Okay, I will add Item VII C, Bond Reduction for Victory Gardens. I just got that information minutes ago.

Chairman Camerota: Thank you. Can I have a motion to approve these changes to the agenda?

Commissioner Sobieski moved to approve the changes to the agenda. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

III. PUBLIC HEARING:

- A. Petition 29-13 Special Exception (Section 6.2.4: Free Standing Sign) at 56 Fenn Road. Wayside Fence Company, applicant, 56 Fenn Road LLC, owner; Chris Gueret, contact. Continued from June 26, 2013
- B. Petition 33-13: Zone Change Section 7.6.1) to apply Willard Avenue Development District to the existing R-12 property at 240 Cedar Street. Premier Partners & Associates LLC, applicant; Robert Nagy owner; Patrick Snow, 110 Court Street, Cromwell CT, contact. Continued from June 26, 2013.
- C. Petition 34-13: Special Exception (Section 3.7: Special Exceptions in the R-12 and R-7 Zone) for Multi-Family Use at 240 Cedar Street (Kellogg Farm Apartment) Premier Partners & Associates LLC applicant; Robert Nagy owner, Patrick Snow, 110 Court Street, Cromwell CT, contact. Continued from June 26, 2013.

Deleted from the Agenda

- D. Petition 37-13: Special Exception (Section 6.2.4: Freestanding Business Sign) at 851 Willard Avenue (Eddy Farm) Lucy Fox, owner, Andy Billipp, 277 Cedar Street, Newington CT applicant/contact.

Chairman Camerota: Is the applicant here?

Craig Minor: No he's not, and I just spoke to him a couple of hours ago, so he may be running late.

Commissioner Aieta: Madam Chairman, I looked at this thing, Section 3.1.3 I believe has something to do with farm use. I think it falls under, the farm uses fall under a different section, and they have provisions which spell out signage and, I think Section 3.1, or, I know there is a special section for farming and under that section it calls out how big the sign can be, and now I can't find it.

Craig Minor: Yes, Section 3.1.3 (D). A free standing sign not exceeding nine square feet per side, and not more than eight feet high, blah, blah, blah, by special exception, so it does require a special exception, so I guess you could have either a zoning regulation, but if the Commission wants we can change it to 3.1.3 (D), if the Commission wants.

Commissioner Aieta: Yeah, I was confused because I knew there was something in there about the farm use, just so we have it right on the....

Craig Minor: On the permit.

Chairman Camerota: Okay, well, we'll hold on that one for now, well, we just called you. I know that you thought you would be later, but A, B, and C were cancelled.

Andy Billipp: Sorry I'm late, we came in, the door was locked, so we had to go around.

Chairman Camerota: Have a seat, and state your name and address for the record.

Andy Billipp: I'm Andy Billipp, 277 Cedar Street.

Chairman Camerota: And tell us what you are looking for with your petition.

Andy Billipp: Well, with the petition, what I'm looking for basically is a permanent sign at the farm sign on Willard Avenue. We've always kind of made do with temporary signs that we just take out and then take back in at the end of the day, and at the beginning of our season last year, I started making some improvements basically so the signs would look a little nicer, put up some cedar posts, and then was informed that I was in violation by doing so, so I spoke with the Engineering Department and the Planning Department about how to be in compliance, so we have been searching for way to get our signs out as we need to, but then also be in compliance with the town. So, where we are basically is that I'm looking to make a twelve foot square sign that advertises our farm stand. I see you have the sketch right there. Basically it's going to match the siding of the farm stand, there will be rough cedar posts, which is a native tree, and just a handmade wooden sign that says, more or less what the signs say now which is fresh sweet corn, fruits and vegetables.

Chairman Camerota: It looks like you can take the sign up and down, to be changing or to take it in during the winter.

Andy Billipp: The sign will be taken in during the winter and then, this design we have had from the beginning, the idea being that I can take it down and make repairs if it weathers too much.

Chairman Camerota: Craig, comments?

Craig Minor: I'm still looking at the dimensions. Before you got here, we were talking about, there is another section in the zoning regs which is actually the one that you cited originally, about farms and how farms are allowed to have the sign, by special exception, of not more than nine square feet per side, but what Andy is asking for is twelve square feet per side, so maybe we should go back to 6.2.4 which does allow, is more generous, it allows not more than one hundred square feet, on one side, no I'm sorry, not greater than 150 square feet on one side or three hundred square feet on both sides, whatever the square feet of 150 is for dimensions, so he really is better off applying under 6.2.4.

Commissioner Aieta: Then we have a contradiction in our regulations because Section three specifically addresses farms, and then it tells you what they can do, and the zones and what is permitted in any zone, and what they have to meet for requirements, and one of the requirements on the sign is nine square feet per side. I don't know how you can switch back and forth.

Craig Minor: Well, I think you can, I think the applicant can. The Commission has to make the decision, but it's.....

Commissioner Aieta: Nine square feet would be a three by three sign. What do you have?

Andy Billipp: Right now the signs that are out there, I haven't measured those, but I believe they are four by four, at least.

Commissioner Aieta: It's not offensive, I'm just trying to keep it in the section that it falls under.

Commissioner Leggo: My question is, the farm, the 3.1.3, is that for just a farm, as opposed to this being a place where they are selling stuff. Would this be for a farm, that just had a name, I don't want to say this is a store.....

Chairman Camerota: It's a farm stand.

Commissioner Leggo: It's a farm stand, I don't know if that is different or not.

Craig Minor: Well, the whole sentence reads, 3.1.3, A free standing sign not exceeding nine square feet per side and not more than eight feet maximum height, advertising farm products, grown or raised on the property, may be permitted by the Commission, so it sounds like the intent was for a farm stand.

Chairman Camerota: Any further Commissioners comments, questions?

Commissioner Aieta: Yeah, the question is, how are we going to handle it because we are talking two different sections of the regulations.

Andy Billipp: Certainly I can make it any size that the Council requires, I would ask the Council to keep in mind that basically what I am doing here through this whole process which is taking two four by four signs, which are bright and work well, and fusing that to one, even smaller sign, and if that sign was reduced still to a three by three.....first I want to be in compliance, but that is all the signage that we have for our season.

Chairman Camerota: Any other questions from the Commissioners? This is a public hearing, so I'm going to call on the public to see if anyone has any comments, for or against it, and then you will have a chance to rebut any comments. Is there any one from the public who wishes to speak in favor of this petition? Anyone from the public wishing to speak against the petition? We're a little light on the public tonight. I know from reading Craig's report that the applicant asked that we move this to Old Business and vote on it tonight, how do you feel about that?

Commissioner Aieta: I would like to move it, but I don't know how we do that to the letter of the regulations. I don't want to be a stickler on this, but we have to do this right. I don't see how you can jump back and forth between, when this is specific to a farm stand.

Andy Billipp: If I may, I've found three different items that essentially say different things, and we've been going back and forth, and depending on who I talk to, someone says, oh, the easement, meaning the legal document that we have with the Town, says one thing, and that trumps this, depending on which person I am talking to, and then no, the town ordinance trumps that, and then back and forth, so I don't know which that is, but I would say it is in my interest to have the best signage possible, so, you guys know what I'm looking for.

Chairman Camerota: Do you have anything else?

Andy Billipp: That's basically it, I am of course trying to get this done as soon as possible because we are halfway through the summer, but at the same time, these are permanent signs that we are talking about, so I would say, if we were going to err on the side of caution, and had a three by three based on a decision made in haste, by my request, I'm also willing to wait longer if the Commission wants to deliberate it. If I may, in the future, kick it back to next month, if I get a larger sign, if that is possible, based on your decision, of different regulations.

Commissioner Anest: (Inaudible)

Commissioner Aieta: That was the agreement with the town because of the trust...

Commissioner Anest: The development rights.

Commissioner Aieta: The development rights, it does say that in there?

Commissioner Anest: Yes.

Commissioner Aieta: Then hang your hat on that and let them go with the twelve foot sign. I look at 6.2.4 and they talk about a free standing business sign, in a non-residential zone, and basically that farm is in a residential zone, so it goes back to, but if it has it in the agreement, I think we could fall back on that, and use that as the basis of our decision to allow them to go to the twelve square feet. We should put that in the motion as a finding.

Craig Minor: Okay.

Chairman Camerota: So can I have a motion to close this and move it to Old Business.

The motion to close Petition 37-13 was made by Commissioner Sobieski, and seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Camerota: Later in our meeting we will vote on it. Thank you.

E. Petition 38-12 Special Exception (Section 6.6.2) Sell or Serve Alcoholic Beverage at 2903 Berlin Turnpike (Bonefish Grill) West-Tuck Realty II LLC, owner/applicant; Nathan Kirschner of Langan Engineering, contact.

Chairman Camerota: Is the petitioner here?

Nathan Kirschner: For the record, my name is Nathan Kirschner from Langan Engineering, 555 Long Wharf Drive, New Haven, Connecticut. First I'd like to say that I'm happy to be in front of the Commission again. I was in front of the Commission about twelve months ago for the Special Exception permit for the sit-down restaurant. As I'm sure everyone can see, it's coming along, and we anticipate an opening in mid-August at this point. We learned that there was a special permit required for the sale of alcoholic beverages. Mr. Minor and I have spoken about this matter and I hope all of the Commissioners have a copy of the map, the radius map in front of them. In summary, they have received their provisional license for the sale and consumption of alcohol outdoors, with a single bar inside the facility. Patrons will be able to purchase alcohol at the bar and sit outside, or to have wait staff bring alcohol to them. The original liquor license that is based on receiving the temporary occupancy or certificate of occupancy through the town, and obviously we are going to do that and the special exception does apply. In respect to use of alcohol within the vicinity is the Bertucci's restaurant. The zoning regulations require from door to door five hundred feet, and as the map in front of you this evening shows the, there is a five hundred foot radius, and the Bertucci's entrance, well Bertucci's itself is outside of that radius, but to the entrance is 644 feet from the Bonefish Grill. None of the other uses listed are within five hundred feet radius. This is a pretty basic presentation, if there are any questions, I'd be glad to answer them.

Chairman Camerota: Thank you. Craig, any comments?

Craig Minor: No, I'm satisfied that it meets the requirements.

Chairman Camerota: Commissioner comments?

Commissioner Aieta: If we could, they will not open without a liquor permit, and if there are no comments by the Commissioners and we find that, I don't think holding it off to weeks to vote on, there's no competition, I think we should move this to Old Business and act on it tonight so let them get going.

Chairman Camerota: This is a public hearing, and although there is really no public, I'll call on them.....is there any one from the public wishing to speak in favor of the petition?

Liz Petruzzo, 20 Trails End Drive, Canton, CT : Hi, I'm Liz, I'm the managing partner for the restaurant, and I appreciate the fact that you are willing to move ahead because we are doing everything we can to get open. I think it's going to be a great boon, business for the town, and we intend to be good neighbors, and take care of everybody and do our part.

Chairman Camerota: Thank you. Anyone else wishing to speak in favor of this petition? Anyone wishing to speak against this petition? Hearing none, can I have the motion to close this and move it to Old Business for voting tonight?

Commissioner Sobieski moved to close the hearing and move the petition to Old Business. The motion was seconded by Commissioner Aieta. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Camerota: We will vote on this tonight.

Nathan Kirschner: Thank you.

III. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, each speaker limited to two minutes.)

None.

IV. **REMARKS BY COMMISSIONERS**

None

V. **MINUTES**

A. June 26, 2013

Chairman Camerota: We have minutes from the Special Meeting of June 26th, and minutes from the regular meeting of June 26, 2013.

Commissioner Anest: On the Special Meeting, the name of Mike Camillo is spelled wrong. You have it right on the Commissioner's listed, and then incorrect in the minutes.

Chairman Camerota: Anyone else have a comment on the minutes? Can I have a motion to accept the minutes of the Special Meeting?

Commissioner Aieta moved to accept the minutes of the special meeting with the change. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Commissioner Aieta moved to accept the minutes of the June 26 Regular Meeting. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VI. NEW BUSINESS

A. Petition 39-13: Balf Quarry Operations and Site Plan Review

Frank Lane: Would the Commission like me to put my map on the easel, or are the ones that Mr. Minor handed out sufficient to unfold.

Commissioner Aieta: Why don't you put it on the easel, these are kind of large.....

Chairman Camerota: There might be people at home interested in the project.

Frank Lane: Good evening, for the record, my name is Frank Lane, and I am the Director of Real Estate for Balf Company and Tilcon Connecticut. We are actually one and the same company. I am here tonight to answer any questions that you may have. Every two years we are required to come before your Commission and submit an updated site plan and operations plan. In the past two years very little has occurred on this site. If you were to lay this plan over the plan from two years ago, on a light table, you would see some small movement in this lower phase, which is down within the quarry, where they have done just a little bit of mining, and just a little bit of movement on this corner, this upper face which is actually a different level. Last year essentially all of the crushing that was done at the plant was what we call re-crushing. They took already produced stone in the two inch and inch and a quarter size, re-crushed it and made the higher demand half inch and three eighths inch stone which is used primarily in asphalt paving. It was a very short season. Site wise, there has been nothing of note that occurred in the past two years. Regrettably, because of the economy, our beautiful big twenty-six bay garage is unused at this time. All of the equipment work is being done at our facility in New Britain, so it's been a fairly quiet site. This year fortunately is a little more active. We're hoping the future will definitely improve. We have been blasting about once a week this year. How long in the season it continues, they are starting to get ahead of the requirement of what they need to have on the ground, stockpiled. Any particular questions, I will try to answer. Mr. Minor was out last week, and took a tour of the entire facility, so he is now fairly familiar with it, and he may have comments. Sometimes eyes who haven't been on a site like this see things that those of us who are there frequently just don't see any more.

Chairman Camerota: Any Planner comments, suggestions?

Craig Minor: No.

Commissioner Aieta: A couple of weeks ago, or a couple of meetings ago, there was activity from the public. There were some people who came in and questioned why this Commission hasn't asked for a closing plan of your quarry. Michele, is that an accurate statement?

Chairman Camerota: Yes, it's accurate.

Commissioner Aieta: I'm surprised that they are not here tonight, they asked how come we weren't reviewing the Balf thing every two years, it's supposed to happen in February, and there were some questions, and then specifically they were asking for, how come we don't have documents showing how you are going to close this facility when you expire all of the activity there and take out all the rock, and what you were going to do to close it? That was the questions, and I'm not advocating that.....

Frank Lane: Well, I'm not sure that I have a very good answer to that, but simply, your regulations do not, nor have they ever required that plan. The State of Connecticut, Department of Environmental Protection does not require that plan, and the U.S. Mine Safety and Health Administration does not require that plan. This quarry has been in constant activity since the 1800's. It is probably going to be in activity for another fifty years at current production. We can continue to go down. We're fairly close to our westerly limit here, if we do and we finish up and we'll push the faces out, so it will be a common level going to the floor. But insofar as a specific use plan fifty years down the road, who knows what the demand will be, what the zoning will be, it would be a very wild supposition. Simply the area that you can see, and it would be a finished stone floor, certainly we could back our way out as we finished it, and do trenching for public utilities, sewer and water. I have always felt that our quarry sites like this would be an ideal location for siting heavy industry, the kind of industries that people don't want to see and don't want to hear, that pay significant taxes because it's very well shielded in this case, but that is way out in the future so we do not have a concrete plan for it's ultimate use, and that time is far, far off in the future.

Commissioner Aieta: I just wanted you to comment on it, so that it is on the record so if someone does come in and ask, that we addressed it, and we could go to the record and say, we brought it up and this is the response from Balf.

Frank Lane: My pleasure. I believe Mr. Minor can confirm the facilities and the quarry are significantly larger than they look on paper.

Commissioner Aieta: We're well aware, we're well aware of the size of it. Thank you very much.

Chairman Camerota: Any one else?

Commissioner Sobieski: The Balf Commission, I know that it's not part of Planning and Zoning.....

Frank Lane: Mr. Ed Gilligan, who was president of the Balf Company for years, still works with us on a consulting basis, and that's always been under his wing, and yes he does still meet with the Balf Commission when a meeting is called.

Commissioner Aieta: I don't believe that they have had a meeting in some time have they Carol?

Commissioner Anest: Yes, they met last October. They meet once a year, usually in October.

Chairman Camerota: Any additional Commissioner comments, questions? Thank you.

Frank Lane: Thank you.

B. Petition 42-13: Modification to Approval Site Plan at 2903 Berlin Turnpike (Bonefish Grill) Wex-tuck Realty II LLC, owner/applicant, Jason Mikrut, VHB Inc., 54 Tuttle Place, Middletown, CT, contact.

Jason Mikrut: Good evening Madam Chair, Commissioners, my name is Jason Mikrut and I'm the senior project engineer from VHB, and I'm presenting our site plan modification for the Bonefish site development plan. Now this is just a formality to formalize the changes that were previously approved by the Commission for the Firestone site that is going to be north of the Bonefish site, and also the lot line modification that was recorded subsequent to the Firestone project. Really, the changes are, they match the Bonefish site plans that were approved to allow the Firestone driveway on the north end of the site, and then also to slightly modify the parking for the Bonefish lot, reduce the northern parking from seventeen spaces down to fifteen sites, still being compliant in regards to parking and also the other dimensional requirements. The changes that we have shown for the Firestone have already been approved, have no impact on the zoning, don't make it any less conforming or anything like that for the Bonefish site, so really, that's the changes that we are making, the ones that are approved, so if there are any questions, I'd be happy to answer them.

Chairman Camerota: Any comments from the Planner?

Craig Minor: I asked the town engineering department to review the plans to make sure that it was in fact consistent with the original Bonefish plan, in addition to the parking changes of course, and just today I finally got a clear confirmation, yes it is, with the one caveat, just to be completely transparent, this radius here, the Commission may recall when the Firestone project was approved the then Chairman had asked that if possible a turning lane be added and the applicants did go back to DOT and unfortunately DOT did not approve an additional turning lane, so you will note, they did make some slight improvement to this radius, making it a little more gentle, but I'm only saying that in case somebody were to actually compare this plan to the one that was approved by the Commission and you will notice a slight difference, that's where the difference comes from, but otherwise it is exactly as approved.

Chairman Camerota: Commissioner comments? Seeing none, you are all set.

Jason Mikrut: Thank you.

Chairman Camerota: You're welcome. Shall we put this on Old Business for next time?

Craig Minor: Sure, they're no rush to have it approved, I did prepare a motion, but absolutely we can vote next time.

C. Bond Reduction for Victory Gardens

Craig Minor: I think I passed out a memo, the developers of the Victory Gardens project which as the Commission may recall, the Commission allowed them to post a \$600,000 escrow account rather than the usual performance bond, but anyway, they have been working along nicely, and they've gotten to the point where they requested a bond reduction. They met with the engineering department several times and engineering staff went out several times and had quite a bit of discussion with the applicant, but your engineering department does recommend releasing the bond by \$172,827.50, and normally I would round it, but I'm going to recommend that the Commission approve that exact amount because, and it's a little annoying, but the bank financing is tied in with all of this, and I think that that exact number is important to the Victory Gardens folks to get the next draw down from their loan,

their construction loan, so I would recommend if you do approve it, the exact amount and not round it up or down.

Chairman Camerota: Commissioner comments? So if we move this to Old Business, did you do a draft motion?

Craig Minor: No I did not.

Chairman Camerota: Okay, so this will be moved to Old Business.

Commissioner Aieta moved to move the Victory Garden Bond Reduction to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VII. OLD BUSINESS

Petition 37-13

**Special Exception (Section 6.2.4: Freestanding Business Sign)
851 Willard Avenue
Andy Billipp, applicant**

Commissioner Leggo moved to approve Petition 37-13; Special Exception (Section 6.2.4) free standing Business Sign at 851 Willard Avenue (Eddy Farm) Lucy Fox, owner, Andy Billipp, 277 Cedar Street, Newington, CT, applicant/contact.

The motion was seconded by Commissioner Aieta.

Commissioner Anest: Should we not change.....

Craig Minor: Yes, I would suggest that you amend this to include a finding,

Finding #1: The purchase of development rights document executed by the Town, and the owners of the Eddy Farm allow up to twelve square feet of signage.

Chairman Camerota: And then are we going to have a condition that it be (inaudible.) All those in favor of this petition, as updated by the Town Planner say AYE. The vote was unanimously in favor of the motion, with six voting YES.

Petition 38-13

**Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages)
2903 Berlin Turnpike ("Bonefish Grill")
Wex-Tuck Realty II LLC, owner/applicant.**

Commissioner Aieta moved that Petition 38-13: Special Exception (Section 6.6.2: Sell or Serve Alcoholic Beverages at 2903 Berlin Turnpike (Bonefish Grill) Wex-tuck Realty II, LLC, owner/applicant; Nathan Kirschner of Langan Engineering contact, be approved.

FINDINGS:

- There are no buildings in which alcoholic beverages are sold under any class of liquor permit with 500 feet of this building.

CONDITIONS:

None

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The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Victory Gardens Bond Reduction

Commissioner Anest moved that the bond for Victory Gardens be reduced by \$172,827.50 based on the memorandum from the Town Planner to the Planning and Zoning Commission dated July 24, 2013.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- A. Petition 40-15: Special Exception (Section 6.2.4 Free Standing Sign) at 100 Milk Lane, Sign-a-rama, applicant Saputo Dairy Foods USA, owner, Richard Kossakoski, 2162 Silas Deane Highway, Rocky Hill CT, contact.
- B. Petition 41-13: Special Exception (Section 3.2.9; Child Care Center) at 626 Willard Avenue. Barbara Getsinger, applicant; St. Mary Parish owner; Joseph Keough, 626 Willard Avenue, Newington CT contact.
- C. Petition 44-13: Special Exception (Section 3.2.5: Convalescent or Nursing Home at 2125 Main Street, Middlewoods of Newington, owner/applicant, David Long, 580 Long Hill Avenue, Shelton CT, contact.
- D. Petition 45-13: Zoning Text Amendment (Section 6.15: Medical Marijuana Dispensary and Production) Ghulam Azhar, applicant.

Craig Minor: We have four, the first one, Petition 40-13 is for a freestanding sign at Saputo Dairy Foods at 100 Milk Lane, and I recommend that be set for the next meeting, which is the fourth Wednesday in August.

Commissioner Aieta: What is the date of that, the 28th?

Chairman Camerota: Yes, that will be on the 28th.

Craig Minor: The next one, Petition 41-13 is for a child care center at 626 Willard Avenue. This is the St. Mary's parish convent building which is being used for services, obviously no one lives there any more. The parish would like to start conducting pre-K classes there, which according to their architect they have been doing in the school, but now they would like to offer pre-K in the convent building, so this is part of the Special Exception. Now in my comments to you I mentioned how the plans that I had gotten didn't really have the kind of information that we need to make an informed decision on a day-care, but since then I did get a revised plan, it's the one that you now have, change convent to pre-school. It's got the engineer's name on it, so I now have the information that we need to have a public hearing. So I recommend that this be scheduled for the next meeting, August 28th.

Commissioner Hall: Is that going to be open for this school year?

Craig Minor: I think that is what they were hoping for.

Commissioner Hall: School probably starts by the 28th.

Commissioner Aieta: Yeah, it's cutting it pretty close. Let's see what happens.

Chairman Camerota: They just filed this, right?

Craig Minor: Yes.

Chairman Camerota: Well, they can continue having, they have been having the classes anyway. So that will be on the 28th as well. Craig, the next one?

Craig Minor: Petition 44-13, the Convalescent or Nursing Home at 2125 Main Street. This is the existing Middlewoods of Newington assisted living facility. The building, it's a square doughnut I call it, and what they want to do is to add some space, residential and office space inside the doughnut hole, in the courtyard. I recommend that be scheduled for the 28th.

Commissioner Aieta: There isn't room any where else on the site. When is the next meeting in September?

Chairman Camerota: The 11th.

Commissioner Aieta: We have the other stuff that is carrying over, right?

Commissioner Hall: Are they planning on starting construction imminently?

Craig Minor: I don't know.

Commissioner Aieta: They would be waiting only two weeks. It's not like they are going to start doing it, if we gave them approval that they would start digging a hole.

Commissioner Leggo: I think with the schedule, we should put this off.

Commissioner Aieta: September 11th.

Craig Minor: And then, last but not least, the medical marijuana one. In my memo, I suggested, I asked that you not hold the hearing on this one at your next meeting to give me the opportunity to have a little more research into it so I can know what the issues are that need to be brought up at the public hearing. I know the applicant had, I told the applicant that I was going to be suggesting that, and they did ask me to reconsider, but I think that additional two weeks would really be helpful for me to meet with the other towns, in fact, I just found out that today that West Haven has apparently adopted regulations to allow at least the production, or they actually approved the production facility, so there is a lot of research that I would like to do before we even begin the public hearing.

Commissioner Hall: Check out Middletown too.

Craig Minor: Middletown, Torrington, Southington and Canton are the four that I know of.

Commissioner Aieta: I talked to the Planner today, and I asked the question whether this applicant should drive us, or whether we should take this applicant and tell him to hold off and

let us as a Commission, our existing regulations don't cover this at all, so, I'm not asking to do this, I'm just throwing it out there, what is the best way to handle it. The Planner told me that they had done some, from what he has seen that they proposed, they had done some good work on it, went by the State requirements and everything, so that might be a basis of what we could use for our regulations, but he still thinks we have to tweak it. I don't know what is the best way to do it. That would be up to the Commission. Do we tell him to go away and we would come up with our own, or we use theirs....

Commissioner Anest: So he has some regulations?

Craig Minor: Yes, I believe he based them on Canton's regulations. I haven't looked at them closely, I just glanced at them, but it looked a lot like what I saw from Canton. I told him, when he told me that he was going to do this, I said then at least look at what some of the other towns in Connecticut have done.

Commissioner Anest: This applicant hasn't gone to other towns?

Craig Minor: Well, he has done some research.

Commissioner Anest: I mean, he's not opening up another facility in another town?

Craig Minor: Oh no, this is actually driven by a property owner on Stamm Road who wants to be able to do this at his address on Stamm Road so they have a very specific location in mind, they are not looking to do this anywhere in Newington except at this spot.

Chairman Camerota: To enlarge on the Commissioner comments, I agree that, I actually think we need to have some plan approved, and we need to do that, but I think we need to address that, whether it's this application. I don't know that it is fair to ask them to hold off, I think they would actually have to withdraw that, but I think we need to address the distribution, but West Haven was actually the production.

Craig Minor: Yes, production.

Commissioner Aieta: Is this just, this is production also isn't it, and dispensary.

Chairman Camerota: The regulation that they are proposing, they only wanted to dispense, right?

Craig Minor: But I told them, if you are going to write a regulation, do it right, make it complete, even if you only want to take advantage of one aspect of it.

Commissioner Aieta: I'm open for whatever, I'm not suggesting that we do it one way or the other, I'm just throwing it out there that, I just want to do it the best way possible, so that we come up with really good regulation. I don't know how many of these are going to be allowed in the State, if it's regulated, that you can only have one.....

Craig Minor: Ten.

Commissioner Aieta: You can have ten permits allowed in the State of Connecticut. So that, they might not even be able to get a permit.

Craig Minor: That's true.

Commissioner Aieta: I'm sure that everybody, there's got to be more than ten people looking to do this. Seems to be a very lucrative business. I'm open to anything. If you want to have them as the basis of our regulation, use what they are bringing in and then we, but will we have enough time to do that under the.....

Craig Minor: Oh yes, because you don't have to begin the hearing until sixty-five days from today. Once the hearing is open, you need to close it within thirty-five days, but you can ask for extensions of considerable amounts of time, and then once the hearing is closed, then you have sixty-five days to make a decision, so there is plenty of time.

Chairman Camerota: I think what they proposed, it does look as if they looked at other towns, so it's something that at least we can start with anyway, so during our, the process of starting the hearing and then working on it after the hearing closed, we can make what revisions should be made. Now wait, can we do that after the hearing is closed, no we can't because then we would have to go back to the public.

Commissioner Aieta: That's what I was concerned about.....

Craig Minor: If there were substantive changes yes, you would have to go back.....

Commissioner Aieta: That's what I was concerned about when we did this because it's, I think we are like straddling ourselves in too tight, that's why I thought we should, you know, I hate to tell them not, or to go away until we come up with something, but maybe that's the best way for this Commission to act, so we can act, we can really dissect it and go into it, and come up with a regulation that we are comfortable with, not driven by them, and then we're stuck by hearing dates and stuff and we can't do this because the hearing closed, and we've got other questions and that's why I brought it up, but if you think we can do it that way, I'll be fine.

Chairman Camerota: What if we have Craig go back and ask the petitioner if they would be willing to withdraw the petition so that we can work on changes to the regulations.

Commissioner Aieta: Ourselves.

Chairman Camerota: Ourselves, and then we can start that at the next meeting even, a discussion on it.

Craig Minor: Okay, I'll talk to them.

Chairman Camerota: And if they say no, they say no.

Commissioner Aieta: Then we are restricted by the time periods and the public hearing....

Chairman Camerota: And then we will just have to remember during the public hearing process.....

Commissioner Aieta: Then maybe we just don't close it, keep it open until.....

Chairman Camerota: Then make sure all of our comments and changes are made during the public hearing, so that after each public hearing they can come back and make their adjustments, so that when it is closed, it's closed, then we can go to vote, but the public is entitled to comment on every aspect of it.

Commissioner Aieta: That's good. Thank you.

Chairman Camerota: Thank you. So that one won't be on for the next meeting either.

Craig Minor: So do you want to leave it that no date has been scheduled, yes, let's do it that way.

Commissioner Aieta: We could always schedule it on the 28th and put it on for September, because I don't think we would have put it on anyway because we didn't put anything.....

Chairman Camerota: And Craig had wanted more time to research it.

Commissioner Anest: As you get this research, could you share it with us.....

Craig Minor: And I will share it with the applicant so that it is transparent. I think that is why the statute gives you 65 days before you even open the public hearing. I really think it's to give Commissions some breathing room, some flexibility to even talk to the applicant before the formality of a public hearing starts and then all of the rules get really, really tight, or to do other research that we might want to do. Sixty-five days, that's a long time so there must be a reason that the statute gives you two months to even start the public hearing, I think that's why, to allow you a little pre-game negotiations with an applicant even.

Commissioner Aieta: I'm curious if the state, in their wisdom of picking ten, allowing ten permits if they thought of locations, if they thought different locations in the state or if all of them were clustered, I'm just wondering how they perceived, you know, if you think of the casino thing in Massachusetts, they specifically said that they wanted one in north Boston, one in south Boston and one in western part of the state, so they thought they would spread it out a lot, and I'm curious if the State had an idea in their mind of how they would want it, spread out, or concentrated in one specific area, or they don't care.

Craig Minor: The law says that the Commission shall approve between three and ten dispensaries, and that is an interesting number, between three and ten. What leaped out at me is that that had to be negotiated, between the legislators who didn't want it at all, and the ones who wanted to open it up. It was probably a compromise, it was probably one of those back room deals, that's where they came up with that strange number.

Commissioner Hall: Maybe it had something to do with area of the state, or population, because Massachusetts allows I believe twenty-five. So, if Connecticut has ten, and Massachusetts has twenty-five, is it based on population, or geographic size?

Craig Minor: We'll know when this is all done, we'll all be experts on it.

Commissioner Hall: I would think it would have something to do with some demographic or size, because why would Massachusetts have twenty-five and Connecticut would only have ten? You would have to research that whole thing, from the very beginning.

Commissioner Aieta: I think that one thing, one thing that I would like to throw out there while we are thinking about it, that we should restrict the locations. We should restrict them to Industrial zones and not any other zones, the Industrial zones. Because then you are talking about dispensing, and you have people coming in, buying marijuana, and I don't know if that is a good thing or a bad thing, but, I don't know, it's like a liquor store.

IX. TOWN PLANNER REPORT

A. Town Planner Report for July 24, 2013

Craig Minor: Zoning Enforcement Issues raised at previous TPZ meetings; these unregistered car parts on 127 Fenn Road, I asked the ZEO again today, what's the status of this, and he started telling me what he had been doing which was all months ago, and then I said, okay, but you issued the citation quite a while ago, where are we now? He asked me for some time to go out because it occurred to him that the property boundary line is at an angle, and it's a very densely shrubby, well, it's weeds, but, so the ZEO asked me for some time to go out with a town crew, a survey crew to make sure that those car parts are in fact on 127 Fenn Road. The ZEO didn't want to send this to the Town Attorney for action and then have it turn out that it is actually on the neighbor's property, so he said he would like to do that, so I said, if you're not sure, then by all means make sure that you have the right address. That's the upshot on that one. The zoning issue that wouldn't go away. Let me stop there, are there any zoning enforcement issues that the Commission would like to bring up.

Commissioner Camillo: On that issue, when they paved the parking lot next door, they actually changed things around. He used to sell those, back in (inaudible).

Craig Minor: That's how long they have been there.

Commissioner Camillo: His son got killed on his honeymoon, and he just closed up.

Craig Minor: Now when you say he, do you mean the factory, or the strip mall property.

Commissioner Camillo: The strip mall.

Craig Minor: Okay, because that is our understanding, it's from the strip mall property, and you are confirming that. Your understanding is yes, that's correct. It's the opposite, it's actually the factory.

Commissioner Camillo: Yeah, the old welding place. The cars in the back.....

Craig Minor: Well thank you for saying that because just the opposite was our understanding.

Commissioner Camillo: And the racks, they were just left, the camper racks.

Commissioner Aieta: I drove by there and I couldn't see anything it's so overgrown.

Commissioner Camillo: And the building inside is unbelievable, mold, everything deteriorating...

Craig Minor: The next item, Old performance bonds held by the town; I passed out a short list, these are the six that I am working on right now, and there are plenty more but these are the first six that I started working on.....

Commissioner Hall: Five.

Craig Minor: One, two, three, you're right, five, too many black lines. The first one is at 46 Commerce Court. It's a commercial site where they just didn't finish doing some of the landscaping and, mostly landscaping actually. They just didn't do it. I sent the owner a letter back on June 27th, I haven't heard back from him. If I don't hear from him soon, I'll send him a certified mail letter, and if I don't get any response to that I may come back to you and ask you for guidance on how much heat do you want to bring to it.

The next one, the, well the old name is 4Play Sports Bar at 512 Cedar Street. It has a different name now, The Bar, or something like that. The applicant, back in, well the date dropped off, but this has been kicking around for about fifteen years I think, he got site plan approval to put in some volleyball courts and a picnic area and some parking in the back, and he did some of it, but he just didn't finish and this was still hanging around when Ed left, and I sent him a letter telling him that there are all these things that you haven't done, and there is a bond, and his response was that he doesn't feel that he should have to do all those things because his neighbor doesn't have such and such, and I said, well, if you want to come back to the Commission and make a case for why your bond is too high, I suppose that is your prerogative so, and he was planning on coming tonight, but then last week he told me that he misunderstood his family vacation schedule so he'll be coming before you at your next meeting to explain why the bond shouldn't be what it was. Interesting, I'm looking forward to hearing what he has to say.

Chairman Camerota: Who did he mean by his neighbors, CITGO or Dunkin Donuts?

Craig Minor: I'm not sure who he was referring to.

Global Granite, they, they just never finished. They put down the first binder course of their parking lot, and then stripped it, and then didn't finish, and they didn't put up the fence that they were supposed to put up, car stops and so forth. I asked the engineering department to go out and document exactly what was done and what wasn't done because I'm expecting some push back from him. Well I got that, I got a detailed list of what has not been done, I just got it today, so I'll be sending a letter to Global Granite telling them if they don't finish the work then we will have to consider doing it ourselves with their money.

Next one, the driveway at 95 Waverly Drive. This is a home that was built in back in 2006. The contractor put the driveway in the wrong place, well, he put it too close to the property line. The plot plan shows where it was supposed to go, it was supposed to have five feet between the edge of the driveway and the property boundary, but the contractor just put it where he wanted. It was noticed right away, but so as not to hold up the Certificate of Occupancy the Town allowed him to post a \$5,000 bond to make sure that he eventually fixed it. Well, that never happened. I went out there today and looked at it, and visually, visually it looks fine because you can't see that the edge of the driveway is right on the property line, or maybe an inch or so away, so I sent a letter to the owner reminding him that back in 2006, to either approach your neighbor to buy a strip of land from your neighbor, or remove the offending portion of blacktop. I just sent him that letter today, we'll see what he says. We actually have \$5,000 that he could use to buy that little strip of land from his neighbor, and his neighbor does have excess land. He's got enough frontage and enough area where if his neighbor wants to, he could sell him a little strip of land five feet wide going back the length of the property, so we'll see, we'll see if the neighbor is willing to do this. Then finally, the last one on this list, the street trees that were supposed to be planted by the developer back when the development was approved, back in 2001, and there is a \$10,000 cash bond, and the Town Attorney ruled many years ago, before I got here, if you called the bond, you have to use the money for the deficiency, and that's true and that makes sense, but the developer himself has said, and he's on record, as having said this, that he has no objection to the Town using the money, using this money any way it wants. I'm sure the homeowners don't want trees, because if they didn't want them back in the day, they're not going to want them now because now they have all their irrigation systems installed, and so

I'm going to go to the current Town Attorney and ask him, if the developer has no objection to using his money somewhere else in town, is it really a problem

Commissioner Aieta: Cathy, I'm not as familiar with this as you are, when you go in there, isn't there a piece of property at the beginning, isn't there a sign there or something? Isn't there a piece of property.....

Commissioner Hall: There's a great big retention pond and a big rock, but that essentially is the property on the right.

Commissioner Aieta: Oh, someone owns that, that's part of someone's lot?

Commissioner Hall: Yeah, they take care of that.

Commissioner Aieta: Okay, so it's part of someone's lot, it's not a common piece of property there that we could throw some trees on.

Commissioner Hall: No. Originally that was the builder's mother's house. It has since been sold.

Commissioner Aieta: So there is no common land there that we could spruce up or clean up.

Commissioner Hall: No, they have no fee, there's only retention, detention.....

Craig Minor: But there are six or seven trees there now, on the corner, four on Rockledge, and three on Culver, or maybe the opposite. If it turns out that we can only absolutely use the money at the subdivision, maybe I could approach the owner of that property and ask if we could plant a few more trees in the area of the detention bond, so at least the money could be used for trees somewhere in town, if it turns out we can't use the money elsewhere, even though the owner has told us we could, or has given us his blessing. I'll find out, and I'll let you know next month.

Status of the Modern Tire Appeal: The hearing was conducted in Stamford back on June 20th. My understanding is that the judge has 90 days to render a decision. I haven't heard anything and I'm sure I would.

Chairman Camerota: I check periodically, and there's nothing.

Craig Minor: Okay. The Newington Junction Committee, nothing new to report since my last report.

Low Impact Development Regulations Project: The consultants submitted a detailed review, of the current land regulations which they are calling the audit, and an outline of a possible LID manual to the committee on July 15th. The next step is for the consultants to draft actual revisions to the land use regulations and present them to the committee, to the subcommittee and I think maybe at that point, perhaps the Planning representative might want to bring it back to the Commission, just so the Commission can see where the committee is going and probably the same thing for the Wetlands, the Conservation Commission representative, he may want to do that also.

Commissioner Anest: Can you notify us of the meeting so if we want to attend that meeting?

Craig Minor: Sure.

Then, revision to the sign regulations. The subcommittee was scheduled to meet the afternoon before the July 24th TPZ meeting, to review the latest draft. This version addresses

the issue of motor vehicles being used to circumvent the sign regulations. We had to re-schedule that meeting because there was a conflict, and we are down a couple of members, so I think we should talk about getting some more members.

Chairman Camerota: Well, I will take Dave's place, and I don't know if there is anyone else interested in being on the sign committee.

Commissioner Aieta: When do you want to have the next meeting, this isn't like there are people beating the door down, but this has been hanging around and we should act and wrap it up. When do you want to meet? I'll meet anytime.
If you want to do it before the meeting, we can do it before the meeting that day.

Chairman Camerota: Why don't we try to get it in between now and the next meeting?

Craig Minor: Well, does everyone have their calendars? Maybe you could do it right now. This might be a good time to try and nail it down.

Chairman Camerota: Next week I can do it on Thursday or Friday.

Commissioner Aieta: What about the week after that?

Commissioner Anest: I'm away.

Commissioner Aieta: What about after that.

Chairman Camerota: I'm away that week.

Commissioner Aieta: We're basically at the next meeting, so why don't we just leave it.

Chairman Camerota: We could do the 5th, 6th, or 7th. You're leaving on the 8th, so you don't want to do that on the 7th? Would you want to do it about 2:00 on the 7th?

Commissioner Anest: I can do it a little later.

Chairman Camerota: Okay, 3:30 on the 7th.

Craig Minor: Okay.

X. COMMUNICATIONS

- A. CRCOG Zoning Referral Z-2013-51 on proposed Zoning Amendment in Farmington.
- B. CRCOG Zoning Referral Z-2013-53 on proposed Zoning Amendment in West Hartford.
- C. Town of Wethersfield PZC Application #1798-13-Z at 44 Victory Lane.

Craig Minor: Three items, they don't require any action, but they came in recently. The Town of Farmington is revising their zoning regulations, and so they submitted it to CRCOG for review, West Hartford also revised their regulations, and I don't remember what the revision was, but it's in your package if anyone is curious, and the Town of Wethersfield has a zoning

application at 44 Victory Lane which must be within 500 feet of Newington which is why they are required to file a copy of it.

Commissioner Aieta: Where is Victory Lane?

Commissioner Hall: Up off of Griswoldville, take a left, so it abuts Deer Run or Glen Oaks.

Craig Minor: Let me elaborate a little bit. The amendment from Farmington is to their active adult housing regulations; the amendment in West Hartford deals with permits to allow residential dwellings in the general business district; and the Victory Lane in Wethersfield, Gary's Fitness, at 44 Victory Lane.

Commissioner Aieta: Gary's Fitness.

Commissioner Hall: Maybe he's going to be a personal trainer. Their neighbors are going to be a little concerned about that.

XI. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; each speaker limited to two minutes.)

None.

XII. **REMARKS BY COMMISSIONERS**

None.

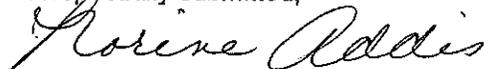
XIII. **CLOSING REMARKS BY THE CHAIRMAN**

None

XIV. **ADJOURNMENT**

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Anest. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary